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Attorneys for Defendant ERNST & YOUNG LLP

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (SAN JOSE DIVISION)

18 DAVID HO, JOHN MAXTON, NATHAN
19 LAY, and SARAH FERNANDEZ on behalf
20 of himself and others similarly situated and
21 on behalf of the general public and DOES 1-
22 20

Plaintiffs,

v.

ERNST & YOUNG, LLP

Defendant.

Case No. C 05-04867-JF (HRL)

**STIPULATION AND [PROPOSED]
ORDER DISMISSING PLAINTIFF JOHN
MAXTON**

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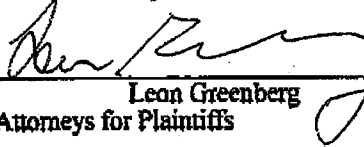
T-513 P.004/004 F-981

1 It is hereby stipulated and agreed that the plaintiff, John Maxton, is dismissed
2 from this case without prejudice and without costs, each party to bear their own
3 attorneys' fees.

4 Respectfully submitted,


5 Dated: March 20, 2008

THIERMAN LAW FIRM
Leon Greenberg


7 
8 Leon Greenberg
Attorneys for Plaintiffs

10 Dated: March 20, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

11 
12 Gregory W. Knopp
13 Attorneys for Defendant
14 ERNST & YOUNG LLP

17 **IT IS SO ORDERED:** 4/1/08

18 
19
20 Hon. Jeremy Fogel
21 United States District Judge